

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7175 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

SHROFF &B COMPANY MANUBHAI S AMIN

Versus

BILIMORA NAGARPALIKA

Appearance:

1. Special Civil Application No. 7175 of 1992
MR DD VYAS for Petitioner No. 1
MR YV SHAH for Respondent No. 1
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CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 15/01/2002

ORAL JUDGEMENT

1. M/s. Shroff & Company-petitioner has filed this
petition under Article 226 read with Articles 14 and
19(1)(g) of the Constitution of India challenging the

validity of the imposition of octroi Rules as sanctioned by the Director of Municipalities, Gujarat State on 30.6.1992. It has been stated in the petition that the Municipality has brought into force these Rules from 1.10.1992 by a Resolution of the General Board dated 30.7.1992. The petitioner has also challenged levy of octroi on the amount of octroi included in the bill issued by Bharat Petroleum Corporation Limited and the insistence by the respondent Nagarpalika, by way of policy, to recover the octroi even on the amount of sales tax included in the bills issued by Bharat Petroleum Corporation Limited. In the petition the petitioner has prayed for a writ of mandamus or direction quashing and setting aside the amended Octroi Rules and Bye-laws of the respondent Municipality which were approved by the Director of Municipalities by his order dated 30.6.1992 and which has come into force with effect from 1.10.1992.

2. The petitioner has filed this petition in September 1992 and the court issued notice and thereafter admitted the matter.

3. Mr. Y.V. Shah, learned advocate appears on behalf of the respondent Nagarpalika and he relies on the affidavit in reply filed on behalf of the Nagarpalika dated 23.9.1993 and further affidavit is also filed by the Nagarpalika.

4. However, Mr. D.D. Vyas, learned advocate for the petitioner states that since Gujarat Government has withdrawn power of municipality to levy octroi somewhere from May 2001, no useful purpose would be served in continuing this petition. He has received a letter from his client in this regard. Original post card has been handed over to this court. In view of the same, the learned counsel for the petitioner seeks permission to withdraw the petition. Permission is granted. This court has not decided any contention raised by the learned counsel for the petitioner. This petition stands disposed of as withdrawn. Rule is discharged with no order as to costs.

(K.M. MEHTA, J)

(pkn)